



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/527,587	William E Beschorner	000241-00003
22907 BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001		INTERNATIONAL APPLICATION NO.
		PCT/US03/29251
		I.A. FILING DATE      PRIORITY DATE
		09/17/2003      09/19/2002
RECEIVED		
JUL 20 2005		
BANNER WITCOFF		
CONFIRMATION NO. 1006		
371 FORMALITIES LETTER		
 *OC000000016546567*		

Date Mailed: 07/18/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/14/2005
- Copy of the International Search Report filed on 03/14/2005
- Preliminary Amendments filed on 03/14/2005
- Information Disclosure Statements filed on 03/14/2005
- Biochemical Sequence Diskette filed on 03/14/2005
- Biochemical Sequence Listing filed on 03/14/2005
- Small Entity Statement filed on 03/14/2005
- Request for Immediate Examination filed on 03/14/2005
- U.S. Basic National Fees filed on 03/14/2005
- Priority Documents filed on 03/14/2005

*LMH*  
*7/21/05*  
*7/25*  
*Docketed* 7/21/05  
*Attny* LMH  
*Case Ref* 000241-00003  
*Action* Notice of Missing Requirements  
*Due Date* 9/18/05  
*Last Day* 2/18/06  
*By* LMH

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$65** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- \$65 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

WINSTON M ALVARADO

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Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/527,587	PCT/US03/29251	000241-00003

FORM PCT/DO/EO/905 (371 Formalities Notice)

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of:

William Beschorner *et al.* ) Group Art Unit: TBA  
Int'l Application No.: PCT/US 2003/029251 )  
Serial No. 10/527,587 ) Examiner: TBA  
Filed: March 14, 2005 ) ) Atty. Dkt. No. 000241.00003

For: *Growth of Foreign Cells in Fetal  
Animals Facilitated by Conditional & Selective  
Destruction of Native Host Cells*

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner of Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In response to the Notification Of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated July 18, 2005, Applicants submit herewith the following documents to complete the requirements for acceptance under 35 USC 371:

1. Fee Transmittal Sheet Form PTO-1390 (Modified) in Duplicate;
2. Copy of the Notification of Missing Requirements;

Serial No. 10/527,587

Response to Missing Requirements  
Under 35 U.S.C. 371 In The United States  
Designated/Elected Office (DO/EO/US)

3. Executed Declaration for Patent Application;
4. Petition Under 37 C.F.R. § 1.47(a);
5. Declaration of Nathan D. Bills; and
6. Petition for Extension of Time.

The Commissioner for Patents is authorized to charge our Deposit Account No. 19-0733 in the amount of \$1,145, as follows:

\$ 65.00 Late declaration surcharge (small entity)

\$ 1,080.00 Extension fee (5 months – small entity).

If any other fees are required, charge our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By:

*Lisa M. Hemmendinger*

Lisa M. Hemmendinger  
Registration No. 42,653

Date: February 21, 2006

Banner & Witcoff Ltd  
Customer Number: 22907

LMH:sdm

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 7-2005)		ATTORNEY'S DOCKET NUMBER <b>00024100-0107527587</b>
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/527,587</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US2003/029251</b>	INTERNATIONAL FILING DATE <b>17 September 2003</b>	PRIORITY DATE CLAIMED <b>19 September 2002</b>
TITLE OF INVENTION <b>Growth of Foreign Cells in Fetal Animals Facilitated by Conditional &amp; Selective Destruction of Native Host Cells</b>		
APPLICANT(S) FOR DO/EO/US <b>BESCHORNER, William E. et al</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> <li>11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li>12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol>		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none"> <li>13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>17. <input type="checkbox"/> A substitute specification.</li> <li>18. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li>22. <input type="checkbox"/> Express Mail Label No.</li> </ol>		

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/527,587</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US2003/029251</b>		ATTORNEY'S DOCKET NUMBER <b>000241.00003</b>																																																																																																																																																						
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The fee is \$250 for each additional 50 sheets of paper or fraction thereof.         </td> <td></td> <td></td> </tr> <tr> <td colspan="6"> <table border="1"> <thead> <tr> <th>Total Sheets</th> <th>Extra Sheets</th> <th colspan="2">Number of each additional 50 or fraction thereof (round up to a whole)</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>- 100 =</td> <td>0 /50 =</td> <td colspan="2">0</td> <td>x \$250.00</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="4">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td>\$</td> <td>\$130.00</td> </tr> <tr> <td colspan="6"> <table border="1"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th colspan="2">RATE</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>- 20 =</td> <td>0</td> <td>x \$50.00</td> <td>\$</td> <td>\$0.00</td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td>0</td> <td>x \$200.00</td> <td>\$</td> <td>\$0.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIMS (if applicable)</td> <td><input type="checkbox"/></td> <td>+ \$360.00</td> <td>\$</td> <td>\$0.00</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="4"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$</td> <td>\$130.00</td> </tr> <tr> <td colspan="4"> <input checked="" type="checkbox"/> Applicant claims small entity status. 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a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b.  Please charge my Deposit Account No. 19-0733 in the amount of \$ \$65.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0733. A duplicate copy of this sheet is enclosed.

d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Banner & Witcoff, Ltd.

Customer No: 22907

Lisa M. Hemmendinger

SIGNATURE

Lisa M. Hemmendinger

NAME

42,653

REGISTRATION NUMBER

February 21, 2006

DATE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/527,587</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US2003/029251</b>	ATTORNEY'S DOCKET NUMBER <b>000241.00003</b>																																																																																																								
<p>23. Other items or information:</p> <p><b>Response to Notification of Missing Requirements with Copy of Notification of Missing Requirements</b>  <b>Petition Under 37C.F.R. § 1.47(a)</b>  <b>Declaration of Nathan D. Bills</b>  <b>Petition for Extension of Time</b></p>																																																																																																										
<p>The following fees have been submitted:</p> <table border="1"> <thead> <tr> <th colspan="2"></th> <th>CALCULATIONS</th> <th>PTO USE</th> </tr> </thead> <tbody> <tr> <td>24. <input type="checkbox"/> Basic national fee .....</td> <td>\$300</td> <td>\$</td> <td>\$0.00</td> </tr> <tr> <td>25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article</td> <td>\$0</td> <td>\$</td> <td>\$0.00</td> </tr> <tr> <td>All other situations.....</td> <td>\$200</td> <td>\$</td> <td></td> </tr> <tr> <td>26. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....</td> <td>\$0</td> <td>\$</td> <td></td> </tr> <tr> <td>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority.....</td> <td>\$100</td> <td>\$</td> <td>\$0.00</td> </tr> <tr> <td>International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB.....</td> <td>\$400</td> <td>\$</td> <td></td> </tr> <tr> <td>All other situations.....</td> <td>\$500</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="2"><b>TOTAL OF 24, 25 and 26 =</b></td> <td>\$</td> <td><b>\$0.00</b></td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</td> <td>\$</td> <td></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole)</td> <td>RATE</td> </tr> <tr> <td>- 100 =</td> <td>0 /50 =</td> <td>0</td> <td>x \$250.00</td> </tr> <tr> <td colspan="4">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td>0</td> <td>x \$50.00</td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td>0</td> <td>x \$200.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIMS (if applicable)</td> <td><input type="checkbox"/> +</td> <td>\$360.00</td> </tr> <tr> <td colspan="4"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> </tr> <tr> <td colspan="2"><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.</td> <td>\$</td> <td><b>\$65.00</b></td> </tr> <tr> <td colspan="4"><b>SUBTOTAL =</b></td> </tr> <tr> <td colspan="2">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> <td>\$</td> <td><b>\$0.00</b></td> </tr> <tr> <td colspan="4"><b>TOTAL NATIONAL FEE =</b></td> </tr> <tr> <td colspan="2">Fee for recording the enclosed assignment (37 CFR 1.21(h)). 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